

IN THE IOWA DISTRICT COURT FOR POWESHIEK COUNTY

STATE OF IOWA Plaintiff, v. CRISTHIAN BAHENA RIVERA, Defendant.	NO. FECR010822 STATE'S RESPONSE TO APPLICATION FOR APPOINTMENT OF EXPERT AT PUBLIC EXPENSE
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COMES NOW the State of Iowa, by and through Bart Klaver, Poweshiek County Attorney and Scott D. Brown, Assistant Attorney General, and for its Response to Application for Appointment of Expert at Public Expense states:

1. The Defendant is charged with Murder in the First Degree and is currently set for trial in Poweshiek County District Court on September 3, 2019.
2. The Defendant has filed an Application for Appointment of Expert Witness at Public Expense. The Defendant privately retained the services of his two attorneys. The Defendant filed a financial affidavit on September 12, 2019. In an order dated March 1, 2019, the Court made a finding that the Defendant was indigent and ordered public funds to pay for an interpreter to be utilized by the defense.
3. The Defendant requests that public funds be utilized to pay for expert Brian Leslie who states that he is an expert in interrogation and investigative methods. Mr. Leslie indicates a business address in Buffalo, New York. In support of his Application, the Defendant indicates that the expert is needed due to "the length, context, language barriers and other factors" relating to the interview of the Defendant.
4. The State does not resist granting the Defendant's request because there are no existing apparent grounds that granting the Application will prejudice the administration of justice. See *State v. Dahl*, 874 N.W.2d 348, 353 (Iowa 2016).
5. The State understands the need for an expert to assist the defense in reviewing and analyzing the interview of the Defendant and the investigation into the death of Mollie Tibbitts. However, the State does not agree with Defendant's characterizations of the grounds asserted as a basis for the need for the expert witness.

a. Of particular concern is the Defendant's insistence on paragraph 3 of his motion where he purportedly offers the verbatim comments of Special Agent in Charge Richard Rahn that were made shortly after the Defendant's arrest. In the context of the Defendant's request, this statement from SAC Rahn appears unnecessary.

b. Not only in this pleading but in others, the Defendant has asserted there was a language barrier between the Defendant and the officers that interacted with him on August 20-21, 2018. The State is not aware of any significant language barrier since the officers who encountered the Defendant at the farm on August 20, 2019, utilized a person to interpret for them and the officers who conducted a large majority of the interview at the Sheriff's Office on August 20 and 21, 2019, were fluent in Spanish. In fact, Spanish is the first language of the primary officer conducting the interview of the Defendant at the Sheriff's Office. The Defendant never indicated a lack of understanding of any question due to a language barrier at either the farm or the Sheriff's Office.

c. The interview was lengthy. It is important to understand that frequent breaks were taken during the interview, the Defendant was allowed access to his cell phone for a large portion of the interview, and he was provided food and drink.

6. The State reserves the right to object to future applications for additional funds for expert Brian Leslie. If such a resistance is filed, the Court should follow the protocol set forth in *State v. Dahl*, 874 N.W.2d 348 (Iowa 2016).

WHEREFORE the State of Iowa does not resist the Court entering an order authorizing payment to expert Brian Leslie up to the amount requested by the Defendant in his motion.

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Original Filed.
Copies served via EDMS.